IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.7965 OF 2006

Shri.Dattatraya Vithal Joshi
since deceased by his heirs &
legal representatives
1.Shri.Shrikant D.Joshi & ors. ...Petitioners.

vs.

1.Shri.Vishwanath Vishnu Kulkarni
and another. ...Respondents.

Mr.S.S.Patwardhan, for Petitioners.

Mr.Amit Borkar, for Respondent no.1.

CORAM: D.K.DESHMUKH &

DATED: 9th July,2007.

P.C.:-

1. Rule returnable forthwith. Heard finally by consent of parties.

2. By consent of parties, the order impugned in the petition is set aside.

3. The executing Court is directed to hold bidding between the judgment debtor and the decree holder for sale of the property i.e. the land in relation to which the impugned order was passed. Only the judgment debtor and the decree holder shall be permitted to bid. Whosoever is the highest bidder among them shall be given the entire property. After deducting any expenses that may have been incurred by the Court for the purpose of bidding, the sale proceeds shall be divided between the judgment debtor and the decree holder in the proportion of 50-50%.

Rule is made absolute accordingly.

No order as to costs.

(D.K.DESHMUKH, J.)